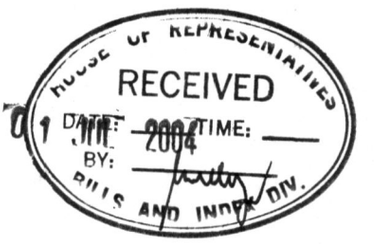
LEGISLATIVE ARCHIVES SECTION

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



THIRTEENTH CONGRESS
First Regular Session

House Bill No. 833

Introduced by the Honorable Gilberto C. Teodoro, Jr.

EXPLANATORY NOTE

The proposed measure seeks to provide protection to persons arrested, accused, or under custodial investigation in addition to the rights of the accused guaranteed by the Constitution.

At present, Republic Act No. 7438 defines the rights of persons arrested, detained or under custodial investigation and imposes duties and sanction on the arresting, detaining, and investigating officers. The following are the rights granted by the said law to persons arrested, accused, or under custodial investigation: the right to be assisted by counsel; the right to be informed of the right to remain silent and to have competent counsel of their choice; the reading and explanation of the custodial investigation report; the execution of any extra-judicial confession in the presence of counsel; the right to execute any waiver of their right to be delivered to judicial authorities within the required period to be made in the presence of counsel; and the right to be visited by members of their immediate family.

Such rights have reinforced the constitutional guarantees on the rights of accused persons. However, it is respectfully submitted that the protection provided by R.A. No.7438 is incomplete.

It is not unusual for law enforcement agencies to call press conferences and present to the media persons arrested or under custodial investigation in hand cuffs, wearing name tags or other tags imputing to them a crime or wrong doing. Such persons, especially those accused of newsworthy crimes such as kidnapping, drug pushing and sensational murders, are also subjected to humiliating or degrading acts by law enforcers in full view of the public.

Undoubtedly, such press conferences are organized because law enforcement agencies feel that these media events help assure the public that they are doing their jobs. It is respectfully submitted that such acts are not only distasteful television fare

but more importantly, are inimical to the rights of accused persons because they are effectively being punished for acts for which they have yet to be convicted. As a consequence, the constitutional mandate guaranteeing the right of accused persons to be presumed innocent is rendered meaningless because the public may already perceive them to be criminals.

It is therefore necessary to amend R.A. 7438 to expand the protection given to such persons by safeguarding their privacy and reputation pending trial and conviction. Hence, the bill prohibits the public display and presentation to the press of accused persons in the aforesaid manner without their voluntary and informed consent. It also prohibits the public display or presentation of such persons to the press without the assistance of counsel. This bill is not an attempt to encroach on press freedom but merely intends to curtail practices which are not necessitated either by the exigencies of law enforcement or by media coverage. The apprehension of suspects and the reporting of such events are not in anyway hampered by the proposed restrictions.

In view of the foregoing, the passage of the bill is strongly recommended.

GILBERTO C. TEODORO, JR.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

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AN ACT
PROHIBITING THE PUBLIC DISPLAY OF PERSONS ARRESTED, ACCUSED, OR UNDER CUSTODIAL INVESTIGATION IN A DEGRADING MANNER, AND AMENDING FOR SUCH PURPOSE REPUBLIC ACT NO. 7438, ENTITLED "AN ACT DEFINING CERTAIN RIGHTS OF PERSONS ARRESTED, DETAINED OR UNDER CUSTODIAL INVESTIGATION AS WELL AS THE DUTIES OF THE ARRESTING, DETAINING, AND INVESTIGATING OFFICERS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF"

Be it enacted in the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 2 of Republic Act No. 7438 is hereby amended by adding a new paragraph to be known as paragraph (g), to read as follows:

"Sec. 2. *Rights of Persons Arrested, Detained, or Under Custodial Investigation; Duties of Public Officers*. - (a) xxxxxxxxxx

(b) xxxxxxxxxx

(c) xxxxxxxxxx

(d) xxxxxxxxxx

(e) xxxxxxxxxx

(f) xxxxxxxxxx

(G) NO PERSON ARRESTED, DETAINED, OR UNDER CUSTODIAL INVESTIGATION SHALL BE PUT ON PUBLIC DISPLAY IN HAND CUFFS, WITH NAME TAGS OR OTHER TAGS, OR IN ANY MANNER CAUSING OR TENDING TO CAUSE DEGRADATION, HUMILIATION, DISHONOR, DISCREDIT, RIDICULE OR CONTEMPT, NOR SHALL SUCH PERSON BE PRESENTED TO THE PRESS IN SUCH MANNER. SUBJECT TO THE PRECEDING RESTRICTIONS, THE PUBLIC DISPLAY OR PRESENTATION TO THE PRESS OF ANY PERSON ARRESTED, ACCUSED, DETAINED, OR UNDER CUSTODIAL INVESTIGATION SHALL ONLY BE ALLOWED IF SUCH PERSON IS ASSISTED BY COUNSEL OF HIS CHOICE DURING THE PUBLIC DISPLAY OR PRESENTATION.

"xxxxxxxxx"

SEC. 2. Section 4 of Republic Act No. 7438, is hereby amended to read as follows:

"Sec. 4. *Penalty Clause* - Any arresting public officer or employee, or any investigating officer, who fails to inform any person arrested, detained or under custodial investigation of his right to remain silent and to have competent and independent counsel preferably of his own choice, shall suffer a fine of Six Thousand Pesos (P6,000.00) or a penalty of imprisonment of not less than eight (8) years but not more than ten (10) years or both. The penalty of perpetual absolute disqualification shall also be imposed upon the investigating officer who has been previously convicted of similar offense.

"xxxxxxxxxx

THE SAME PENALTIES SHALL BE IMPOSED UPON A PUBLIC OFFICER OR EMPLOYEE OR ANYONE ACTING UPON ORDERS OF SUCH OFFICER OR EMPLOYEE OR IN HIS PLACE, WHO DIRECTLY OR INDIRECTLY CAUSES THE PUBLIC DISPLAY OF A PERSON ARRESTED, ACCUSED OR UNDER INVESTIGATION IN A DEGRADING MANNER OR CAUSES HIS PRESENTATION TO THE PRESS IN SUCH MANNER.

(b) xxxxxxxxxx"

SEC. 3. *Repealing Clause*. - All laws, rules and issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 4. *Separability Clause*. - This Act shall take effect fifteen days following its publication in at least two newspapers of general circulation.

Approved,